

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1, 4, 22, 23, 26, 33, 34, 37-39, 42, and 44-49 are pending in the application, with claims 1, 22, 26, 33, 34, and 37 being independent. Claims 17 and 21 have been canceled. Claims 1, 22, 26, 33, 34, and 37 have been amended. Support for the amendments can be found in the original disclosure at least at page 10, lines 1-3, page 10, line 24 through page 11, line 4, and FIGS. 2 and 3. No new matter has been added.

**STATEMENT OF SUBSTANCE OF INTERVIEW**

Initially, Applicant wishes to thank the Examiner for conducting a telephonic interview with Applicant's attorney, David A. Divine, on October 4, 2005.

During the interview, the Examiner confirmed that, while not repeated in the July 28, 2005 Office Action, the §§ 102 and 103 rejections from the January 26, 2005 Office Action were maintained. Accordingly, the rejections from both the January 26, 2005 Office Action and the July 28, 2005 Office Action have been addressed in this response.

Also during the interview, Applicant's attorney presented arguments traversing the rejections based on Cookson and Bloom et al. The Examiner took the position that clarification was needed as to the meaning of the terms "segments" and "portions" in the claims. Applicant's attorney understood the Examiner to tentatively agree that the outstanding rejection would be overcome if the independent claims were amended to recite that "the portions are temporal portions or frequency portions," and that "the segments are temporal segments or frequency segments," respectively.

Accordingly, to expedite allowance, Applicant has amended each of the independent claims as set forth above.

**§102 REJECTION**

Claims 1, 4, 17, 21-23, 26, 33, 34, 37, and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,591,365 B1 (Cookson). This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection, independent claim 17 and its dependent claim 21 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Also, independent claims 1, 22, 26, 33, 34, and 37 have been amended as discussed during the interview.

Independent claim 1, as presently presented, recites:

1. An audio watermarking system comprising:
  - a pattern generator configured to generate both a strong watermark and a weak watermark; and
  - a watermark insertion unit configured to selectively insert the strong watermark into at least one segment of an audio signal and to selectively insert the weak watermark into at least one other segment of the audio signal, so that at least some resulting segments have either the strong or the weak watermark inserted therein, but not both,
  - wherein the segments are temporal segments or frequency segments.

As discussed during the interview, Cookson fails to disclose or suggest such features. Accordingly, independent claim 1 is allowable over the Cookson patent.

Independent claim 22 is directed to an audio watermarking architecture and is allowable for reasons similar to those discussed with respect to claim 1.

**Independent claim 26 recites:**

26. A method for watermarking an audio signal, comprising:  
watermarking a first portion of the audio signal with a  
strong watermark; and  
watermarking a second portion of the audio signal with a  
weak watermark,  
wherein the first and second portions are separate,  
wherein the portions are temporal portions or frequency  
portions.

For reasons similar to those discussed above with respect to independent claim 1, Cookson fails to disclose or suggest such features. Accordingly, independent claim 26 is allowable over the Cookson patent.

**Independent claims 33, 34, and 37** are directed to a method, a computer-readable medium, and an audio watermarking system, respectively, and each is allowable for reasons similar to those discussed above with respect to independent claims 1 and 26.

**Dependent claims 4, 23, and 42** depend from one of independent claims 1, 22, and 37, and each is allowable by virtue of its dependence from the respective base claim, as well as for the additional features that it recites.

**§103 REJECTION**

**Claims 38, 39, and 44-49** were rejected under 35 U.S.C. §103(a) as being obvious over Cookson in view of U.S. Patent No. 6,332,194 B1 (Bloom et al.). This rejection is respectfully traversed.

Claims 38, 39, and 44-49 depend from one of independent claims 1, 22, 26, 33, 34, and 37 and, therefore, each includes all the features of its respective base claim.

Bloom et al. is directed to a method for data preparation and watermark insertion, including insertion of a first watermark and a second watermark. However, Bloom et al. fails to

remedy the deficiencies in Cookson noted above with respect to independent claims 1, 22, 26, 33, 34, and 37 (assuming, for the sake of argument, that the cited documents can even be combined).

Accordingly, claims 38, 39, and 44-49 are allowable by virtue of their dependency from independent claims 1, 22, 26, 33, 34, and 37, respectively, as well as for the additional features that they recite.

### CONCLUSION

For at least the foregoing reasons, claims 1, 4, 22, 23, 26, 33, 34, 37-39, 42, and 44-49 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the §§ 102 and 103 rejections, and an early notice of allowance.

If there are any issues that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve them.

Respectfully Submitted,

Date: 10-28-05

By:   
David A. Divine  
Lee & Hayes, PLLC  
Reg. No. 51,275  
(509) 324-9256 ext. 233